

Minutes
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: September 26, 2019
2 Meeting Location: Charles Town Library Conference Room
3 200 East Washington Street, Charles Town, West Virginia
4 Board Members Present: Tyler Quynn, Chair; Jeffrey Bannon, Vice Chair; Matthew McKinney;
5 and Leeds Corbin
6 Members absent: Deirdre Catterton (with notice)
7 Staff members present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, Assistant
8 Prosecuting Attorney; and Jennilee Hartman, Zoning Clerk.
9 All requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.

10 Mr. Bannon moved to call the meeting to order at 2:00 pm. Mr. Corbin seconded the motion, which
11 carried unanimously. Mr. Quynn explained to the public how the meeting would be conducted.

12 **Public Hearing – Administer Oath**

13 Ms. Hartman swore in members of the public who indicated they would be providing testimony.

14 **Approval of Minutes: August 22, 2019**

15 Ms. Beaulieu noted a correction on page 2, line 31, to state the following “Mr. Corbin seconded the
16 motion, which carried unanimously.” Mr. Corbin moved to approve the minutes with the suggested
17 correction. Mr. Quynn called for a vote, which carried unanimously.

18 ITEM #1 FILE #: 19-22-ZV

- 19 Request: Variance request from Section 10.4B.3 to reduce the front setback from 25’ to 1’ for a
20 96” (length) x 48” (width) x 7’4” (height) freestanding sign (Motorsports Park Circle-
21 West Entrance).
22 Owner: SPARC, LLC
23 Parcel Info: 201 Motorsports Park Cir., Summit Point
24 Parcel ID: 06001700020000; Size: 415 ac; Zoning District: Rural

25 Mr. Chad Wallen with Gordon was present to address the Board. Ms. Beaulieu provided an overview
26 of her staff report noting that the intent of the sign was not to attract motorists from a distance but to
27 identify the site to incoming motorists. Ms. Beaulieu informed the Board that the applicants were
28 also seeking a waiver from the Planning Commission to allow the sign in the sidewalk easement.
29 Mr. Wallen reiterated the intent of the sign, noting that the existing vegetation blocks the view of
30 oncoming traffic to the entrance and that the signage would help alleviate this issue. Mr. Wallen also
31 explained that the proposed signs for the east and west entrance would help distinguish between the
32 purpose of each entrance. Mr. Quynn confirmed that the entrances are confusing. Mr. Corbin
33 recommended that existing vegetation could be removed to eliminate the cited hardship. Mr. Wallen
34 stated the vegetation provided a buffer between the business and surrounding residential land uses.
35 Mr. Wallen proffered to remove the sign should a sidewalk be constructed in the future. Mr. Quynn
36 opened the public hearing. There was no public comment. Mr. Quynn closed the public hearing.

37 Mr. McKinney moved to approve the variance with the following conditions:

- 38 1. Approval is contingent upon the Planning Commission approving the proposed waiver.
39 2. The applicant is bound by their testimony.
40 3. Landscaping around the monument sign should consist of small plants to avoid additional
41 visual barriers that larger shrubs may create.

42 Mr. Bannon seconded the motion, which carried unanimously.

1 ITEM #2 FILE #: 19-23-ZV

2 Request: Variance request from Section 10.2C to allow for a 96” (length) x 48” (width) x 7’4”
3 (height) freestanding sign in the required right-of-way (Motorsports Park Circle-East
4 Entrance).

5 Owner: SPARC, LLC

6 Parcel Info: 201 Motorsports Park Cir., Summit Point

7 Parcel ID: 06001700020000; Size: 415 ac; Zoning District: Rural

8 Mr. Chad Wallen with Gordon was present to address the Board. Ms. Beaulieu provided an overview
9 of her staff report explaining that the proposed sign is to replace an existing sign that is located within
10 the right-of-way. Ms. Beaulieu added that the purpose of this sign is similar to request 19-22-ZV in
11 that it is to identify the site to incoming motorists. Mr. Wallen explained the nature of the request
12 reiterating that the intent of the sign is to distinguish between the east and west entrances. Mr. Wallen
13 stated that he did not know the history of the existing sign so he could not address the Board’s
14 questions regarding its original construction. Mr. Quynn opened the public hearing. There was no
15 public comment. Mr. Quynn closed the public hearing.

16 Mr. Corbin moved to approve the variance with the following conditions:

- 17 1. The applicant is bound by their testimony.
- 18 2. The applicant is to remove the old sign and replace it with the proposed sign.
- 19 3. Landscaping around the monument sign should consist of small plants to avoid additional
20 visual barriers that larger shrubs may create.

21 Mr. Bannon seconded the motion, which carried unanimously.

22 ITEM #3 FILE #: 19-24-ZV

23 Request: Variance from Section 4.10A to waive the requirement of a site plan for the
24 construction of a 3,700 square foot dog kennel and associated parking lot; and Section
25 11.1B to allow for a modified parking standard/reduced number of parking spaces.

26 Owner: Jennifer Hillmann

27 Parcel Info: 4174 Flowing Springs Rd, Shenandoah Junction

28 Parcel ID: 09002400090000; Size: 3.5 ac; Zoning District: Rural

29 Ms. Jennifer Hillmann was present to address the Board. Ms. Beaulieu provided an overview of her
30 staff report explaining the purpose of a site plan. Ms. Beaulieu noted that the property was
31 surrounded by farmland and was across the street from a high school. Ms. Beaulieu stated that the
32 proposed kennel would consist of indoor kennels only. Ms. Hillmann explained the nature of the
33 request noting that the expense of a site plan would be detrimental to a small, family operated
34 business. Ms. Hillmann confirmed that the facility would consist of only indoor kennels and
35 explained that indoor kennels are more sanitary than outdoor kennels and would help create a sound
36 barrier. Ms. Hillmann stated that the required parking standard was excessive based on the fact that
37 clients would visit the site by appointment only. She also noted that employee parking would not be
38 necessary because it would be run by the property owners, who reside on premises. Mr. Quynn
39 opened the public hearing. Stephanie Laptosh arrived late to the meeting and was sworn in prior to
40 making comment. Ms. Laptosh spoke in favor of the request, highlighting Ms. Hillmann’s service
41 of care, professional demeanor, and the need for kennel services in the area. Mr. Quynn closed the
42 public hearing.

1 Mr. Bannon moved to approve the variance with the following conditions:

2 1. The applicant is bound by their testimony.

3 Mr. Quynn amended the motion to include the following:

4 2. That a 10' buffer comprised of existing mature vegetation be retain along the side and rear
5 property lines; or

6 3. That a 50' unscreened buffer be maintained along the side and rear property lines. No
7 structures, materials, equipment, etc. would be permitted within the buffer area.

8 Mr. Bannon accepted the amended motion. Mr. McKinney seconded the amended motion, which
9 carried unanimously.

10 Mr. Quynn rearranged the agenda to hearing file #19-25-ZV next.

11 ITEM #4 FILE #: 19-25-ZV

12 Request: Variance from Section 9.6C to allow an accessory structure in the required front
13 yard; and, Section 9.7 to reduce the front setback from 20' to 3' for a 12' x 20' shed.

14 Owner: Leroy Delauder

15 Parcel Info: 762 Wiltshire Rd, Kearneysville, WV

16 Parcel ID: 02000200070000; Size: .5 ac; Zoning District: Rural

17 Mr. Paul Delauder, father of the property owner, was present to address the Board. Ms. Beaulieu
18 provided an overview of her staff report noting that the property was a nonconforming site.

19 Mr. Delauder explained the nature of the request stating that his son needed a structure to store lawn
20 equipment, etc. Mr. Delauder confirmed that there was a water pump on the property and that his
21 son intended on constructing a garage in the future, which limited the buildable area of the small
22 parcel. Mr. Quynn opened the public hearing. There was no public comment. Mr. Quynn closed the
23 public hearing.

24 Mr. McKinney moved to approve the variance as requested. Mr. Quynn called for a vote, which
25 carried unanimously.

26 ITEM #5 FILE #: 19-1-SE

27 Request: Request for a Special Exception Permit to allow a 91" (length) x 21 3/4" (width)
28 electronic sign to remain affixed to the existing Leetown United Methodist Church
29 Sign. The overall width and height of the existing sign will remain the same. The
30 applicant is also requesting a deviation from the following: A) Section 10.7H to reduce
31 the distance requirement from 200' to 95' on the western property line; to 60' on the
32 northwestern property line; and to 172' on the northeastern property line. B) Section
33 10.7I to allow an electronic sign to be parallel to a residence.

34 Owner: Leetown United Methodist Church

35 Parcel Info: 11133 Leetown Rd., Kearneysville, WV

36 Parcel ID: 07001200140000; Size: .47 ac; Zoning District: Rural

37 Ms. Charlotte Bennett with Leetown United Methodist Church was present to address the Board.

38 Ms. Beaulieu provided an overview of her staff report, noting that the subject sign was installed
39 without a permit but has been turned off since the notice of violation was issued. Ms. Bennett
40 explained the nature of the request confirming that the existing sign was illegally installed.

41 Ms. Bennett provided letters of support from the surrounding property owners. Ms. Bennett stated

1 the Church was amiable to shutting the sign off at 6:00 p.m. as the sign company informed them
2 that 100 nits was not bright enough to see at night. Ms. Bennett added that should the regulations
3 change to allow a greater brightness standard, they would like to keep the sign on until 10:00 p.m.
4 The applicant also stated that if the request was granted, she would submit the required certification
5 from the sign manufacturer reflecting compliance with the Ordinance. Mr. Quynn opened the public
6 hearing. Beverley Grove, neighbor and attendee, spoke in favor of the request, stating that the intent
7 of the signage was to draw attention to the church in hopes of increasing attendance. Mr. Quynn
8 closed the public hearing.

9 Mr. Bannon moved to approve the Special Exception with the following conditions:

- 10 1. The sign shall be adjusted to comply with the required brightness levels per the Ordinance
11 requirements; and
- 12 2. The sign is required to shut off at 6:00 p.m. daily, except on Holidays.
- 13 3. The applicant is bound by their testimony.

14 Mr. McKinney seconded the motion, which carried unanimously.

15 **Zoning Administrator Report**

16 a. Monthly Zoning Certificate Activity Report. The Report was included in the mailed packet.

17 Ms. Beaulieu provided the Board with an overview of pending text amendments. Ms. Beaulieu
18 informed the Board that Greenway Engineering was hired by the County Commission to begin
19 work on the revisions to the Zoning Ordinance and Subdivision Regulations. Ms. Beaulieu
20 informed the Board that their next meeting would be October 24, 2019.

21 **Legal Update**

22 a. Possible executive session on the following pending lawsuits. Mr. Cochran briefly informed
23 the Board that the campground appeal had been dismissed and that he would provide a more
24 thorough update at their October meeting.

25 b. Discussion with possible deliberative session and sign of draft Findings/Decisions
26 Meeting: August 22, 2019

27 1. Variance from Appendix A. Owner: Howard and Patricia Quynn. File: 19-18-ZV.

28 2. Variance from Section 10.2C. Owner: Seneca Crossing LLC. File: 19-20-ZV.

29 3. Variance from Section 4.10 and Appendix B. Owner Robert C & Delia M Garza.
30 Applicant: Andrea Garza, Tri State Pet Care, LLC. File: 19-19-ZV. - Withdrawn

31 4. Variance from Section 10.4B.3. Owner: Seneca Crossing LLC. Applicant: Berkeley
32 Medical Center. File: 19-21-ZV.

33 Mr. Quynn reviewed the above referenced Findings.

34 Mr. Corbin moved to adjourn the meeting at 3:17 pm, which carried unanimously.